

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

NOV 16 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-03230

[REDACTED]

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

His records be corrected by restoring 27 days of leave.

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letters prepared by the appropriate offices of the Air Force Office of Primary Responsibility (OPR). Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The Commander's Programs Branch, HQ AFPC/DPSFC, reviewed the application and states that applicant's orders read "Upon graduation, officer will proceed from [REDACTED] Air Force Base (AFB), Oklahoma to [REDACTED] Air Refueling Squadron, [REDACTED] Air Base (AR) [REDACTED], report not later than date (RNLTD) 30 April 1997." "Early reporting authorized, delay in excess of travel time authorized is chargeable as leave." Applicant had household goods picked up between 7 and 11 April and departed on port call date 20 April 1997. AFPC/DPSFC defers to AFPC/DPPAES to determine if applicant was given a 30 April 1997 RNLTD so he could take leave en route or could have had an earlier port call to avoid a negative leave balance. They recommend that 10 days of leave be restored to applicant's current leave account if it is determined that applicant could have departed on an earlier port call.

A complete copy of the Air Force evaluation is attached at Exhibit B.

The Chief, Skills Management Branch, HQ AFPC/DPPAES, states that applicant is not contesting the extended active duty (EAD) order. Contrary to the AFPC/DPSFC advisory, the issue of whether or not applicant could have departed early is already addressed in his EAD order as quoted. Therefore, they have no further action or comments that would be relevant to this case.

A copy of this Air Force evaluation is attached at Exhibit C.

~~APPLICANT'S REVIEW OF AIR STAFF EVALUATION:~~

The applicant reviewed the Air Force evaluations and submits a statement, which is attached at Exhibit E.

~~THE BOARD CONCLUDES THAT:~~

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error, or injustice warranting favorable consideration to the applicant's request. We note that at the time applicant was ordered to extended active duty, he was required to attend a training course prior to reporting to his new duty station. The course graduation date was 28 March 1997 and his report not later than date (RNLTD) to his new duty station, was 30 April 1997. However, applicant graduated early from his training course. We note that the order authorized early reporting and that a delay in excess of travel time was chargeable as leave. However, it appears that the applicant could have been placed in a casual status as he was not allowed to remain at the base where his training occurred and could not return to his previous Reserve unit, the Inactive Status List Reserve Section (ISLRS), which was an inactive duty status. Also, he was required to wait for a port call date and a date to pick up his household goods. Therefore, we believe it was somewhat unfair to the applicant to be charged leave due to the circumstances which were beyond his control. In an effort to relieve what we believe is an injustice to the applicant, we recommend the applicant's records be corrected to the extent indicated below.

THE BOARD RECOMMENDS THAT:
THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that twenty-seven (27) days of leave be added to his current leave account.

The following members of the Board considered this application in Executive Session on 29 September 1998, under the provisions of AFI 36-2603:

Mr. Vaughn E. Schlunz, Panel Chair
Mr. Richard A. Peterson, Member
Mr. Patrick R. Wheeler, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 14 Oct 97, w/atchs.
- Exhibit B. Letter, HQ AFPC/DPSFC, dated 31 Oct 97.
- Exhibit C. Letter, HQ AFPC/DPPAES, dated 10 Dec 97.
- Exhibit D. Letter, AFBCMR, dated 22 Dec 97.
- Exhibit E. Applicant's Letter, undated.


VAUGHN E. SCHLUNZ
VAUGHN E. SCHLUNZ
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

NOV 16 1998

Office of the Assistant Secretary

AFBCMR 97-03230

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that twenty-seven (27) [REDACTED] leave account.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency